

United States  
Department of  
Agriculture

Animal and Plant  
Health Inspection  
Service

Wildlife Services  
Western Regional  
Office

**U.S. Department of Agriculture**  
**Animal and Plant Health Inspection Service**

**Wildlife Services**

**Record of Decision**

for

**Black-tailed Prairie Dog Conservation and  
Management on the Nebraska National Forest  
and Associated Units**

**FINAL ENVIRONMENTAL IMPACT STATEMENT**

**Lead Agency:** USDA Forest Service  
Rocky Mountain Region  
Nebraska National Forest

**Cooperating Agencies:** USDA Animal and Plant Health Inspection Service;  
State of South Dakota

**Responsible Official:** Jeffrey S. Green  
Regional Director  
Wildlife Services

## INTRODUCTION

Wildlife is generally regarded as having value, whether measured by economic, recreational, or aesthetic standards. However, wildlife also causes negative impacts to America's agriculture, facilities and structures, natural resources, and to public health and safety. USDA, Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) administers a wildlife damage management program that uses an Integrated Pest Management (IPM) approach to prevent or reduce wildlife damage to protected resources and safeguard public health and safety. WS strives to reduce damage caused by wildlife by providing environmentally balanced wildlife damage management services that are safe, effective, and practical. IPM, as used or recommended by WS includes the integration and application of practical methods.

The primary statutory authorities for the APHIS-WS program are the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c). WS activities are conducted at the request of and in cooperation with other Federal, State, and local agencies, private organizations, and individuals. Accordingly, WS' authorities support and authorize its mission of providing Federal leadership and expertise to reduce problems caused by injurious and/or nuisance wildlife.

The USDA Forest Service (USFS) completed a Final Environmental Impact Statement (FEIS) entitled "Black-tailed Prairie Dog Conservation and Management on the Nebraska National Forest and Associated Units" ([www.fs.fed.us/r2/nebraska/](http://www.fs.fed.us/r2/nebraska/)) in August 2005 and issued a Record of Decision (ROD) on August 3, 2005. APHIS-WS is a cooperating agency in the development of the EIS. In accordance with the Council on Environmental Quality's (CEQ) regulations (40 CFR 1506.3), WS may adopt the FEIS without recirculating it. WS has reviewed the FEIS and has determined that the appropriate conditions of 40 CFR 1506.3 have been met and therefore adopts the FEIS. This ROD documents WS' decision to assist the Forest Service, when requested and when adequate funding is available, to reduce damages and conflicts associated with prairie dog encroachment from the Nebraska National Forest and Associated Units onto private and tribal lands. Alternatives were fully described, and issues raised in scoping and in agency and public comments on the draft EIS have been evaluated.

This ROD was developed by WS in cooperation and in concurrence with the USDA, Forest Service ROD (70 FR 50297) and in compliance with agency decision-making requirements of the National Environmental Policy Act (NEPA) of 1969, as amended. WS' preferred alternative is the alternative which the program believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors. This ROD is intended to: (a) state WS' decision, present the rationale for its selection, and describe its implementation; (b) identify the alternatives considered in reaching the decision, including the alternative considered environmentally preferable, and (c) state whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

The FEIS analyses focus on prairie dog encroachment from the Nebraska National Forest and Associated Units onto private and tribal lands, losses associated with prairie dog damage, societal values or attitudes, and impacts on biological, economical, and physical aspects of the human environments. In addition, the Forest Service's Land and Resource Management Plan (LRMP) and 2002 ROD provide programmatic direction for conserving and managing black-tailed prairie dogs in the project area. This direction prescribes use of lethal and non-lethal tools to regulate and manage prairie dog populations. The primary issue addressed in this EIS and ROD is encroachment of prairie dog colonies from national grasslands onto adjoining private or tribal lands, where ranchers and

farmers are concerned about losses in agricultural production, costs of managing prairie dogs, effects on land values, and risks to health and safety.

This FEIS is also in general agreement with the goals and intent of the South Dakota plan to manage for long-term, self-sustaining prairie dog populations while trying to reduce or avoid unwanted impacts to landowners. The State of Nebraska has not issued a statewide prairie dog plan. However, the alternatives evaluated in this FEIS addressed prairie dog conservation and management on Forest Service administered lands in both Nebraska and South Dakota. In addition, in this EIS process, the agencies ensured continued compliance with all other environmental statutes and regulations, including section 7 of the Endangered Species Act.

## **BACKGROUND**

Since the 1960's, the Forest Service has attempted to balance and conserve both prairie dog habitat and agricultural resources, both vital attributes of the national grasslands and local economies. Through the late 1960s and early 1970s, Forest Service prairie dog plans called for colonies to be limited to about 3,000 acres through annual use of rodenticides. However, rodenticide use was halted with the issuance of Presidential Executive Order 11643 in 1972 that banned use of pesticides on federal lands that pose secondary poisoning risks to non-target species. In 1978, rodenticide use resumed when the Forest Service issued an EIS and prairie dog plan (USDA Forest Service 1978) that prescribed use of 2% zinc phosphide on steam-rolled oats (EPA Reg. No. 6704-74) along with vegetation management through livestock grazing adjustments. By then, prairie dog colonies had expanded ten-fold, to almost 30,000 acres. The new guidance prescribed conservation of about 5,200 acres (minimum) of active prairie dog colonies. The remaining colony acreage was scheduled for potential rodenticide application to reduce prairie dog populations and to maintain forage for permitted livestock on the national grasslands. Rodenticide use was also prescribed to help reduce prairie dog conflicts along national grassland property boundaries with neighboring landowners. By the time this direction was fully implemented in 1981, the acreage of active prairie dog colonies combined with those treated with rodenticide totaled almost 44,000 acres.

## **ALTERNATIVES**

WS, in cooperation with the Forest Service and South Dakota Game, Fish and Parks, and also the public explored and evaluated three alternatives that may be used by the agencies in different site-specific settings to reduce unwanted prairie dog colonization on private or tribal lands from adjoining national grasslands. In addition, WS will continue to assure that its environmental compliance processes comply with APHIS NEPA procedures. This decision is the culmination of the EIS process for Black-tailed Prairie Dog Conservation and Management on the Nebraska National Forest and Associated Units. The FEIS documented the analysis, developed at great length, and specifically detailed the strategies, methods, and processes by which the Forest Service will management prairie dogs on the Nebraska National Forest and Associated Units.

I recognize that any one management tool by itself will not always be 100% effective. However, the combination of management tools can be effective under the right conditions. Rodenticides may prove to be the most effective tool to reduce prairie dog encroachment, and vegetation management, when combined with rodenticides may become increasingly effective. The three alternative strategies considered in detail are:

*Alternative 1 - Prairie Dog Conservation Concurrent with Population Regulation and Management through Non-lethal Methods and Limited Rodenticide Use (No Action and Current LRMP Direction).*

Alternative 2 - Prairie Dog Conservation Concurrent with Population Regulation and Management through Non-Lethal Methods and Expanded Rodenticide Use Along Property Boundaries (1.0 Mile Boundary Management Zone on all National Grassland Units).

*Alternative 3 - Prairie Dog Conservation Concurrent with Population Regulation and Management through Non-Lethal Methods and Expanded Rodenticide Use along Property Boundaries (0.25 Mile Boundary Management Zone – Fort Pierre National Grassland; and 0.5 Mile Boundary Management Zone – Oglala and Buffalo Gap National Grasslands) (Preferred Alternative).*

## **PUBLIC INVOLVEMENT**

In compliance with the requirements of section 102(2)(C) of the NEPA (42 U.S.C. 4332(C)), and the CEQ regulations for implementing NEPA (40 CFR 1500-1508), the public has been informed and had ample opportunity to participate in the development of this FEIS and the overall WS and Forest Service environmental compliance system.

The Forest Service met one-on-one and/or attended meetings with various government agencies, elected officials, state and county officials, environmental representatives, and private landowners. All the comments, issues and discussions made during this participation process have been considered. However, it should be recognized that participation in this process does not automatically equal full agreement by the agencies and those other entities. Comments submitted were considered with many other factors and together were evaluated to provide a basis for my decision.

A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on November 1, 2004. On November 5, 2004, letters were sent to more than 2,000 parties, including Federal, state, and local agencies, elected officials, environmental and public interest groups, Native American tribes, landowners in the vicinity of the project, local libraries, media, and other stakeholders in the region who indicated an interest in the project. This letter informed them of the NOI and the 30-day comment period. Since then, Forest Service officials have met or contacted various individuals, groups, tribes, state agencies, local agencies, and other federal agencies with an interest in prairie dog conservation and management on National Forest System lands.

The DEIS was filed with the U.S. Environmental Protection Agency on February 22, 2005, and a Notice of Availability that the DEIS was available for review and comment was published on March 4, 2005. The same day, letters were sent to appropriate federal, state, and local agencies, elected officials, Native American tribes, newspapers, public libraries, media, and other interested parties informing them of the DEIS and comment period. More than 14,000 comment letters and emails were received from federal, state, and local agencies, as well as interested organizations, and individuals. The content of the letters and emails was analyzed to identify substantive comments for which a written response was needed. The written comments and responses to them are included in Chapter 5 of the FEIS.

The States of South Dakota and Nebraska recently completed public involvement programs addressing prairie dog conservation and management across each state. Comments from both efforts were analyzed and documented, and lead agency officials have also reviewed this information to better understand the issues. The Nebraska and South Dakota public involvement information is available for review at the Forest Supervisor's Office in Chadron, Nebraska.

## ISSUES

Key issues related to the proposed action identified through public scoping and agency comments include:

- Unwanted prairie dog colonization on adjoining private or tribal lands and effects on landowners and their property,
- Importance of prairie dogs and these public lands, especially the Conata Basin Black-footed Ferret Reintroduction Area,
- Prairie dog shooting in designated black-footed ferret habitat,
- Prairie dog colonies as habitat for grassland wildlife and biodiversity conservation,
- Humane treatment of prairie dogs and associated wildlife,
- Costs and effectiveness of prairie dog management on public and private lands,
- Soil, water, livestock forage and prairie dog relationships,
- Environmental and public health and safety risks,
- Economic effects on ranchers and local economic stability.

Some of these issues did not need further evaluation because there are regulatory and policy requirements affecting them. For example, environmental and public health and safety issues associated with rodenticide use are governed by and/or addressed by ensuring that pesticide label instructions and agency, including WS, policies and procedures for pesticide use are followed during storage, transportation and application. Other issues were: 1) outside the scope of the proposed action or not relevant to the decision to be made; 2) already addressed and evaluated in the Forest Service LRMP; or 3) conjectural and not supported by scientific or factual evidence and were not addressed in the FEIS.

## DECISION AND RATIONALE

Based upon my careful review of the pertinent environmental documents regarding this proposed action and the appropriate alternatives available for it<sup>1</sup>, my decision is to select and implement Alternative 3 and assist the Forest Service, when requested by the Forest Service, and also when adequate funding is available, and consistent with the Forest Service's August 3, 2005 ROD, to reduce prairie dog encroachment onto private and tribal lands, as described in the FEIS. Based on the analysis in the FEIS, Alternative 3 was selected by me for implementation based on consideration of environmental, regulatory, and social factors, which include:

- More effective than the current program,
- Offers the opportunity to determine whether the goal to reduce prairie dog encroachment is a more effective and biologically sound strategy for managing prairie dogs and conflicts,
- Is environmentally sound, cost effective, and flexible enough to meet different management needs on the Nebraska National Forest and Associated Units,
- Does not threaten the long-term existence of black-tailed prairie dog populations or populations of any other natural resource,
- Will help reduce prairie dog damage, as well as help protect public health and safety or adversely impact other wildlife populations, including threatened or endangered species.
- Allows greater responsiveness in addressing resource damages,

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<sup>1</sup> Black-tailed Prairie Dog Conservation and Management Final Environmental Impact Statement (FEIS), LRMP and associated LRMP ROD

- Provides WS with the flexibility to determine if a strategy to reduce prairie dog encroachment is warranted for future consideration,
- Provides a net benefit to those individuals or agencies requesting WS assistance.

This decision is based on a thorough review of the alternatives and their environmental consequences. Contingent upon adequate funding and receipt of a request from the Forest Service for implementing damage management of prairie dogs, WS would implement an appropriate damage management strategy. The goal of WS adaptive prairie dog damage management is to reduce encroachment and conflicts to affected landowners and tribes and to protect public health and safety. Management actions would be conducted pursuant to applicable laws and regulations to reduce encroachment and damage caused by prairie dogs. Adaptive management, as defined in the FEIS, is a type of natural resource management in which decisions are made as part of an ongoing process.

I find Alternative 3 to be environmentally acceptable, addressing the issues and needs while balancing the environmental concerns of state management agencies, adjacent landowners, advocacy groups, and tribes. Alternative 3 provides for prairie dog conservation concurrent with population regulation and management through non-lethal methods and expanded rodenticide use along property boundaries, as requested by the Forest Service. The Forest Service has set the boundary management zones<sup>2</sup> at ¼ mile on the Fort Pierre National Grassland and ½ mile on the Buffalo Gap and Oglala National Grasslands. This alternative prescribes the implementation of an adaptive management concept by the Forest Service, including expanded rodenticide use and vegetation management through livestock grazing coordination to manage and reduce selected prairie dog colonies along national grassland property boundaries. Alternative 3 also gives greater emphasis to the use of third party solutions as a management tool. Third party solutions involve participation by other government agencies or private organizations to provide innovative solutions to help conserve prairie dogs while reducing conflicts and offsetting financial hardships. These solutions include but are not limited to financial incentives, conservation agreements and easements with willing landowners, and other tools identified in the national black-tailed prairie dog conservation assessment and strategy. The Forest Service, in cooperation with the States of South Dakota and Nebraska, will administer and encourage the development of third party solutions.

## CONCLUSIONS

The rationale for my decision is based on several considerations. This decision takes into account public comments, social/political and economic concerns, the land base and its capabilities, and current science. However, the foremost consideration is that prairie dog damage management by WS on national forest system lands will only be conducted at the request of the Forest Service and consistent with the Forest Service's August 2005 Final EIS and ROD dated August 3, 2005.

My rationale for this decision is that Forest Service surveys have determined that prairie dog populations on the Nebraska National Forest and Associated Units have expanded over time, and the necessity, capability and flexibility to reduce the sometimes serious encroachment of prairie dogs along private or tribal land boundaries is necessary and immediate. I am not aware of any facts, information, or analyses that indicate anything other than the probability that very few, if any, situations will arise that will need additional WS analysis and NEPA, as well as that the Forest Service can maintain a reasonable acreage of prairie dog habitat without prairie dogs encroaching on private or tribal adjacent lands. As such, I conclude that Alternative 3 represents the environmentally preferred alternative. Because the Forest Service will implement the mitigation and conservation

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<sup>2</sup> The Forest Service may consider poisoning back to a distance of 1 mile on federal lands to reach the goals of the good neighbor policy.

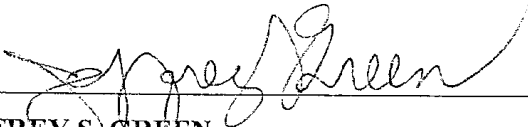
measures identified in the FEIS, all realistic means to avoid or minimize environmental harm from implementation of Alternative 3 have been adopted.

#### **OBTAINING ADDITIONAL INFORMATION**

The FEIS for Black-tailed Prairie Dog Conservation and Management on the Nebraska National Forest has been placed in the public files of the Nebraska National Forest and is available for public inspection at:

Nebraska National Forest  
125 N. Main Street  
Chadron, Nebraska 69337  
Phone: (308) 432-0300

For additional information regarding this ROD, please contact Gary Littauer, National Environmental Manager, USDA-APHIS-WS, 8441 Washington NE, Albuquerque, New Mexico 87113, or telephone (505) 346-2632.

  
**JEFFREY S. GREEN**

Regional Director  
Wildlife Services

November 21, 2005

**DATE**

#### **LITERATURE CITED**

USDA, Forest Service. 1978. Final environmental impact statement: management of prairie dogs on lands administered by the supervisor of the Nebraska National Forest. USDA, Forest Service. Chadron, NE.

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